



**Gideon Orion Oliver**

—ATTORNEY AT LAW—

He/him/his

277 Broadway, Suite 1501

New York, NY 10007

1825 Foster Avenue, Suite 1K

Brooklyn, NY 11230

Gideon@GideonLaw.com\*

GideonLaw.com

Office: (718) 783-3682

Signal: (646) 263-3495

Fax: (646) 349-2914\*

\*Not for service

May 16, 2022

Hon. Jesse M. Furman  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: Anshuman Bhatia v. City of New York, et al., 21-cv-8363 (JMF)(JLC)

Your Honor:

I am counsel for Plaintiff. I write regarding the Court's May 5, 2022 Order (ECF No. 40) extending the time by which Plaintiff was to serve the three Individual Defendants – Joseph Coye, Robert Diaz, and Ian Bourne - with a copy of the endorsed April 27, 2022 Order (ECF No. 38, the "Order") to May 11, 2022. For the reasons set forth below, I ask that the Court extend time by which Plaintiff may serve Defendant Diaz with a copy of the Order, *nunc pro tunc*, until May 13, 2022; and the time by which Plaintiff may serve Defendant Bourne with a copy of the Order until May 20, 2022. Defendant City of New York consents to this application.

Since the Court issued the Order and the May 5 Order, Plaintiff has taken diligent steps to serve the Individual Defendants. As the Court is aware, Plaintiff asked counsel for Defendant City provide service information for the Individual Defendants some time ago.

On April 27, 2022, I attempted to serve Defendant Coye with the Order, as well as with a copy of Judge Cott's April 26, 2022 Order scheduling a settlement conference in this matter (ECF No. 36, the "Conference Order"), by e-mail, at the same e-mail address at which Defendant had previously consented to accept service of the opening papers in this matter. On May 4, 2022, counsel for Defendant City informed me that Defendant Coye would accept service by e-mail at that same e-mail address. I then e-mailed the Order and the Settlement Order to Defendant Coye again, also on May 4, 2022.

On April 27, 2022, in attempts to serve Defendants Diaz and Bourne, I e-mailed copies of the Order and the Conference Order to the DHS general service e-mail address at which Defendants had previously consented to accept service of the opening papers in this matter. They have not consented to service by e-mail of other papers.

On May 11, 2022, Defendant Diaz appeared *pro se* in this matter, and filed a consent to accept electronic service by ECF. (ECF Nos. 41 and 42).

Also on May 11, 2022, counsel for Defendant City informed me that Defendant Bourne could be served at DHS's offices in person, and provided a service address.

On May 11 and 12, 2022, I worked in-person court shifts as assigned counsel in New York City Criminal Court.

On May 13, 2022, I e-mailed Defendant Diaz copies of the Order and the Conference Order at the e-mail address listed in ECF No. 42. Today, on May 16, 2022, an attorney for Defendant Diaz contacted me. We spoke this afternoon. I understand that he intends to enter a Notice of Appearance later this week.

Also on May 13, 2022, I sent copies of the Order and Conference Order to a process server to be served on Defendant Bourne at the physical address provided by counsel for Defendant City. I expect that my process server will complete service on Defendant Bourne this week.

For the reasons set forth above, Plaintiff's counsel respectfully asks that the Court extend the time by which Plaintiff may serve Defendant Diaz with a copy of the Order, *nunc pro tunc*, until May 13, 2022; and the time by which Plaintiff may serve Defendant Bourne with a copy of the Order until May 20, 2022.

Thank you for your attention to this matter.

Respectfully submitted,

/S/

Gideon Orion Oliver

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 43. SO ORDERED.

A handwritten signature in black ink, appearing to read 'Gideon Oliver', with a stylized flourish at the end.

May 17, 2022